

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 09/816,352
Attorney Docket No.: Q63622

REMARKS

Claims 1 and 3-7 are all the claims pending in the application. By this Amendment, Applicant cancels claims 2 and 8-16 without prejudice or disclaimer.

Preliminary Matter

As a preliminary matter, the Examiner is respectfully requested to acknowledge Applicant's claim to foreign priority, and to indicate receipt of the certified copy of the Priority Document JP 2000-083610 filed on March 26, 2001. For the Examiner's convenience, a copy of the Image File Wrapper indicating receipt by the USPTO of the priority document is enclosed.

Summary of the Office Action

The Examiner rejected claim 8 under 35 U.S.C. § 112, first paragraph, claims 1, 2, and 4-7 under 35 U.S.C. § 102(e) and claim 3 under 35 U.S.C. § 103(a).

Rejection under 35 U.S.C. § 112

Claim 8 is rejected under 35 U.S.C. § 112, first paragraph. Applicant has canceled claim 8 rendering this rejection moot. Accordingly, it is appropriate and necessary for the Examiner to withdraw this rejection.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 2 and 4-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,713 to Tognazzini (hereinafter "Tognazzini"), and claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini in view of "Official Notice". Applicant respectfully traverses this rejection in view of the following comments.

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Claim 1, among a number of unique features, recites: “wherein the file management information is volume configuration information in a volume of a file system comprising the file and file configuration information in said volume, and wherein the file configuration information includes a name, a size, a position on the volume, and access control information of the file.”

The Examiner alleges that claim 1 is directed to a hybrid recording medium and is anticipated by Tognazzini.

In particular, the Examiner appears to equate the serial number and the control information that relates to user input as disclosed in Tognazzini with the file management information and the file configuration information, respectively, as set forth in claim 1.

Applicant has carefully studied Tognazzini’s disclosure of the serial number identifying control information that deals with the format of the user input, and Applicant respectfully submits that Tognazzini does not teach or suggest, the file configuration information including a name, a size, a position on the volume, and access control information of the file.

Tognazzini teaches a hybrid optical recording medium, which is arranged to allow original information that is pre-recorded in a mass manufacturing process to be supplemented by additional information written to the disk after the original information has been recorded using a disk drive (*see* Abstract). Tognazzini deals with the hybrid recording medium with a read-only part 101 and a read/write part 102 (Fig. 1; col. 3, lines 47 to 57). Original information is pre-recorded on the read-only part 101 and then periodically updated with the supplemental information stored in the read/write part 102 (Fig. 4; col. 5, lines 11 to 18).

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In particular, Tognazzini teaches a disk with a serial number for indicating that additional information is recorded in the read/write part 102 of the disk. When the disk is inserted and the serial number is detected, the serial number is matched with a record containing control information, stored in the RAM 410B of the computer. In Tognazzini, the control information is used as an index to identify the category of the disk (alleged volume configuration information) and the format of user inputs stored in the read/write part thereof (alleged file configuration information). For example, Tognazzini discloses the control information can indicate that the disk is a CD and the inputs stored in the read/write part thereof indicate a playback program or that the disk is a CD-ROM game and the information stored in the read/write part thereof is indicative of the ending game position. The information processing system then carries out the program or otherwise performs steps in accordance with the control information corresponding to the serial number and the information in the read/write part of the hybrid disk (Fig 6; col. 5, line 48 to col. 6, line 28).

Tognazzini, however fails to teach or suggest the serial number identifying the configuration information that would include name, size, position on the volume, and access control information of the file. Tognazzini only discloses that the serial number identifies control information that is indicative of the format of the user inputs such as that the inputs stored in the read/write part indicate an ending game position and not of the name, size, position on the volume and access control information. In short, Tognazzini fails to teach or suggest the user input format (alleged configuration information) as including the name, size, and position on the volume as well as access control information of the file.

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In sum, “wherein the file management information is volume configuration information in a volume of a file system comprising the file and file configuration information in said volume, and wherein the file configuration information includes a name, a size, a position on the volume, and access control information of the file” as set forth in claim 1 is not taught or suggested by Tognazzini, which lacks having the control information indicative of the format of the inputs to include a name, a size, a position on the volume and access control information of the file. Tognazzini only discloses that the serial number identifies the format of the user input. For at least these reasons, Applicant respectfully submits that claim 1 is patentably distinguishable (and is patentable over) Tognazzini. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1.

Claim 2 has been canceled. Therefore, this rejection is moot with respect to claim 2. Claims 3-7 depend on claim 1 and they may be patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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